

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14711, as amended, of Alvin M. Guttman, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Sub-section 330.5) to allow a coin operated laundry and dry cleaners on the first floor in an R-4 District at premises 1626 New Jersey Avenue, N.W., (Square 509, Lot 147).

HEARING DATE: December 21, 1987

DECISION DATE: December 21, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 1626 New Jersey Avenue, N.W. is located on the northwest corner of the intersection of New Jersey Avenue and Warner Street. The site is located in an R-4 District.

2. The R-4 District extends in all directions from the site. The area is characterized by single-family row dwellings. Some of these structures have been converted to neighborhood retail facilities.

3. The site is quadrilateral in shape with a frontage of 39.75 feet along New Jersey Avenue and 51.95 feet along Warner Street. The site is improved with a vacant two story brick structure.

4. Certificate of Occupancy No. B100372 dated November 15, 1976, allowed a coin operated laundry (20 machines) and dry cleaner to be operated at the site. No other use has been established or exercised at the site since the issuance of the certificate.

5. This use has been discontinued for over three years. Fire and economic conditions prevented the renovation of the property. The applicant is proposing to re-establish the coin operated laundry and provide dry cleaning services in the facility.

6. The upper story of this structure has recently been renovated for residential use.

7. The first floor of the structure houses washing machines and is fitted with commercial plumbing. It is structurally arranged to accommodate a commercial laundry.

8. The first floor of the structure has never been used for anything but commercial use.

9. There was never an intention to abandon the commercial use of the site.

10. The structure will be renovated. An on-site employee will maintain the premises.

11. The Board waived its rules to receive the untimely filed memorandum dated December 11, 1987, from the Office of Planning (OP) which recommended that the application be denied as it is of the opinion that the applicant does not meet the burden of proof as specified in Sub-paragraph 3107.2, 11 DCMR. The Board does not concur for reasons set forth in the conclusions below.

12. Advisory Neighborhood Commission (ANC) 2C submitted no report on the application.

13. The Commissioner for Single Member District 2C07 testified in support of the application as the laundromat would provide a necessary service.

14. Numerous neighbors of the site submitted a petition to the record in support of the application.

15. There was no community opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a use variance, the granting of which requires a showing through substantial evidence of a hardship upon the owner arising out of some exceptional condition in the property so that the property cannot reasonably be used for the purpose for which it is zoned. The Board must further find that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

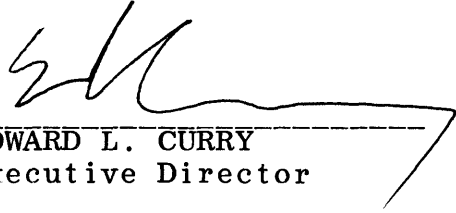
The Board concludes that the applicant has met the burden of proof. The first floor of the structure was originally and continuously used for commercial purposes. The space has never been used for residential purposes. There was no intention to abandon the laundromat use. The space is arranged to accommodate a laundromat and could not be readily converted to another use permitted as a matter-of-right in the R-4 District.

The Board concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, Carrie L. Thornhill, Paula L. Jewell and William F. McIntosh to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: MAR 8 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14711app/LJP32